

REMARKS

By this amendment, Applicant amends the specification and drawings to improve clarity, cancels claims 1-43, without prejudice or disclaimer, and adds new claims 44-82. No new matter has been added. After entry of this Amendment, claims 44-82 will be pending.

Applicant thanks the Examiner for the courtesy of the personal interview of January 27, 2004. The newly submitted claims, and the remarks below, are consistent with the issues discussed during the interview.

In the outstanding Office Action, claims 1-43 were rejected under 35 U.S.C. § 112, ¶ 1, claims 1-9, 11-17, 19-25, 27-31, and 33-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,319,332 to Mehnert ("Mehnert") in view of U.S. Patent No. 5,554,972 to Byrne ("Byrne"), and claims 18, 26, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mehnert in view of Byrne and further in view of U.S. Patent No. 6,295,007 to O'Meara ("O'Meara").

With respect to the 35 U.S.C. § 112, ¶ 1, rejection, Applicant submits that new claims 44-82 enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and or use the claimed invention. With traverse, new claims 44-82 omit object characterizer, intrusion sensor, motion processor, operation sensors, output inspector diagnostic system, and other terms that the Examiner specifically referred to in basing this rejection. See Office Action dated March 13, 2003, page 5, ¶ 5, which provides a list of the allegedly non-enabled subject matter.

Applicant submits that the specification is enabling and that one of skill in the art could make or use the invention without undue experimentation—as recited in new claims 44-82—by combining the disclosure of the patent with prior known information. See M.P.E.P. 2164.01(b), ¶ 3, which states, “A key issue that can arise when determining whether the specification is enabling is whether the starting materials or apparatus necessary to make the invention are available.”

New claims 44-82 may recite, *inter alia*, transmitters, receivers, reflectors, transceivers, processors, and user interfaces. Each of these components are well known in the art, for at least the reasons discussed below. Applicant submits copies of references—concurrently with this Amendment in an Information Disclosure Statement—as evidence that these terms are well known in the art. For example, and without limitation, a transmitter is described in U.S. Patent No. 5,554,972 to Byrne. A receiver is described in the enclosed publication, titled, “Machine Safety Products from a Name You Can Trust,” from Honeywell. U.S. Patent No. 6,028,624 to Watkins discloses reflectors as understood by one of skill in the art and transceivers are at least taught by website www.hissink.nl. Further, processors are taught by U.S. Patent No. 6,005,513 to Hardesty. User interfaces are taught by SureNet-V Diagnostic and Alarm Reporting Software from Auratek, which is available over the Internet. Applicant submits copies of these references for the Examiner's convenience. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 112, ¶ 1, rejection.

The present invention resides not in the construction details of the specific components of the elements of the invention but, rather, in the combination of these

components in the claimed method, system, and apparatus. Thus, the present invention is not limited to particular components. Instead, the invention employs any suitable component that is adapted for use in the method, system, or apparatus, as claimed. Applicant is not aware of any prior known method, system, or apparatus for detecting hazards on an airport runway as set forth in the appended claims. Thus, although persons of ordinary skill in the art could practice the claimed invention, as disclosed in the application, without undue experimentation, the claimed invention would not have been obvious.

With respect to the 35 U.S.C. § 103(a) rejections, Applicant respectfully submits that new independent claims 44, 56, 68, and 80-82 are not anticipated or rendered obvious by the prior art cited in the outstanding Office Action. In particular, the apparatus, method, and system recited in these claims are not disclosed or suggested by either Mehnert, Byrne, or O'Meara. Neither Mehnert, Byrne, nor O'Meara disclose or suggest, for example, transmitters or receivers positioned or adapted to be positioned adjacent to an airport runway, or transmitting a beam of light across at least a portion of an airport runway, as recited in the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103(a) rejections.

For at least this reason, independent claims 44, 56, 68, and 80-82 are allowable, along with claims 45-55, 57-67, and 69-79 that depend from claims 44, 56, and 68. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each also are separately patentable.

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Accordingly, Applicant respectfully requests that the Examiner withdraw the outstanding rejections and allow the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: February 25, 2004

By: 

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Reg. No. 31,821

Attachments: Abstract (1 page), Annotated Marked-Up Drawing Sheet (3 pages, Figs 1, 4, and 5), and Replacement Sheets (3 pages, Figs 1, 4, and 5).

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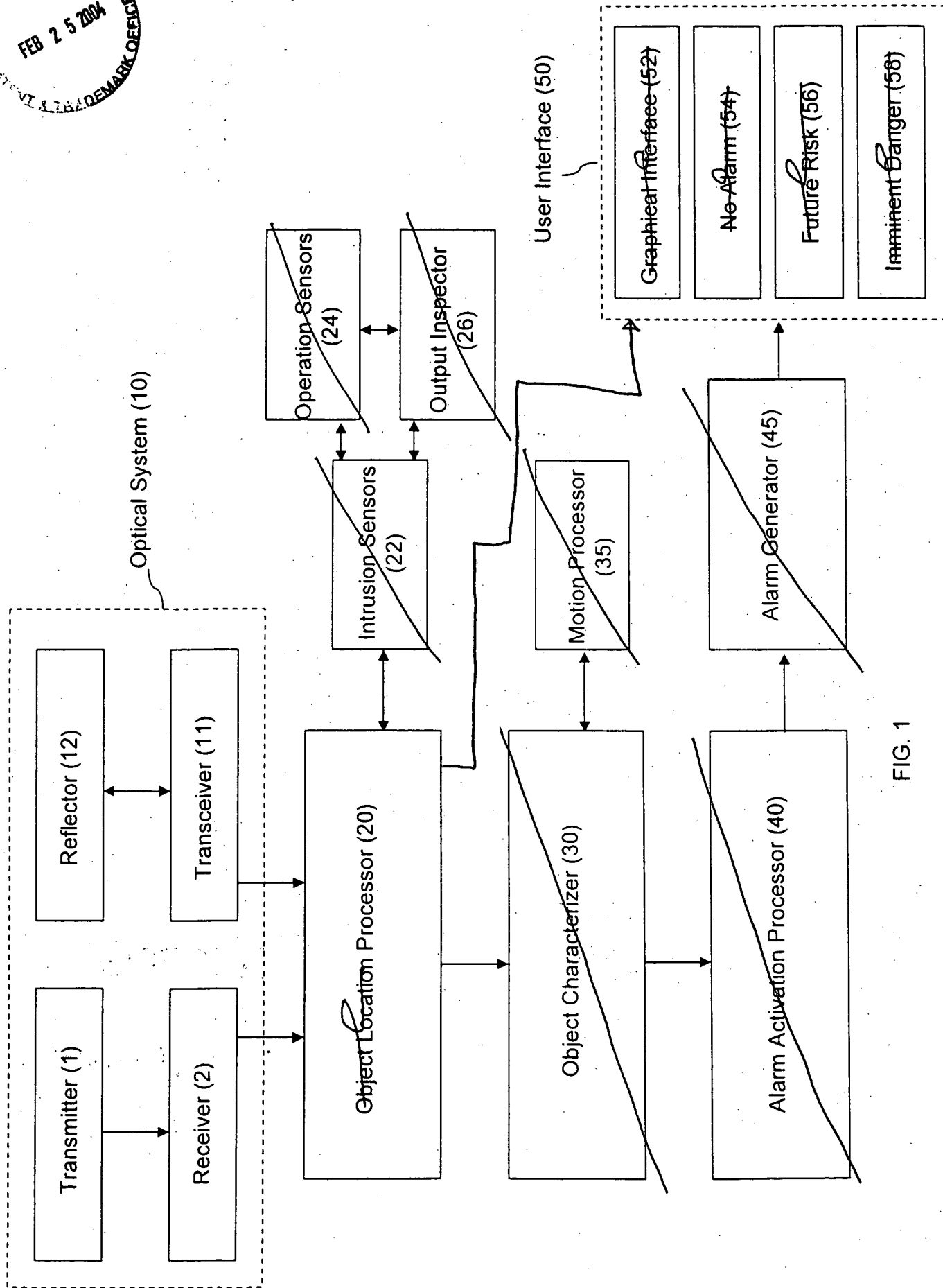
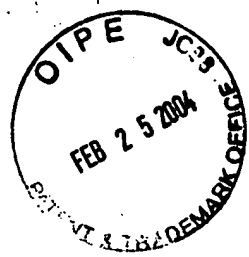


FIG. 1

FIG. 4

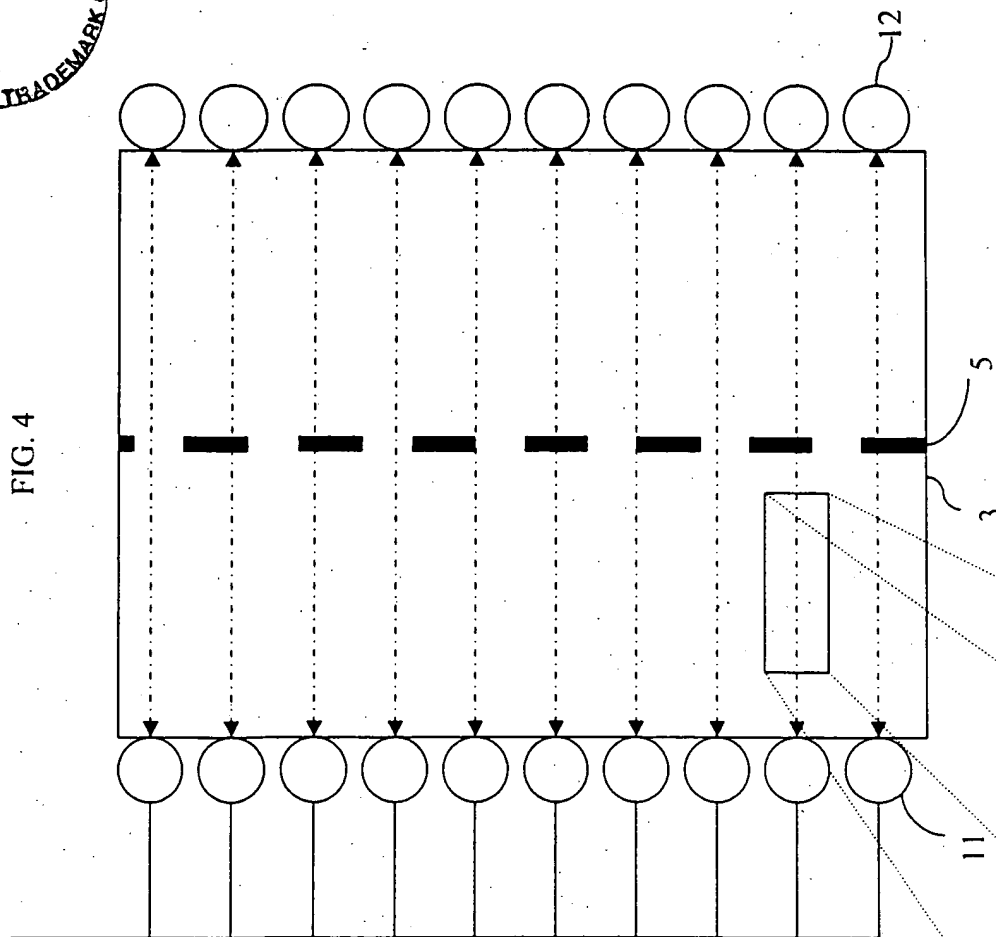
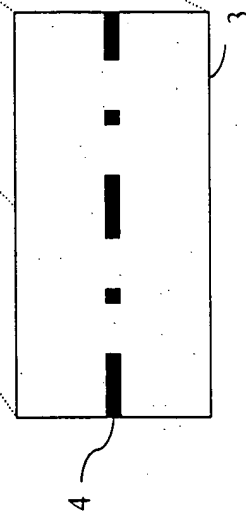


FIG. 4A



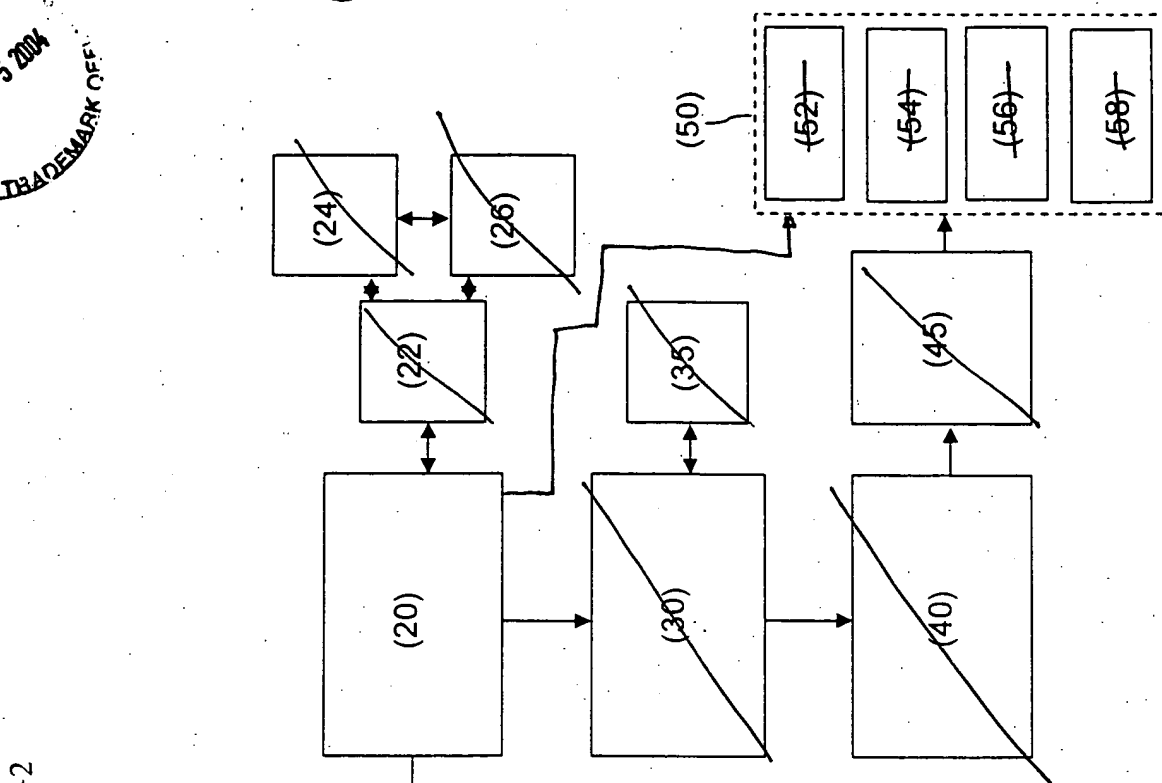


FIG. 5

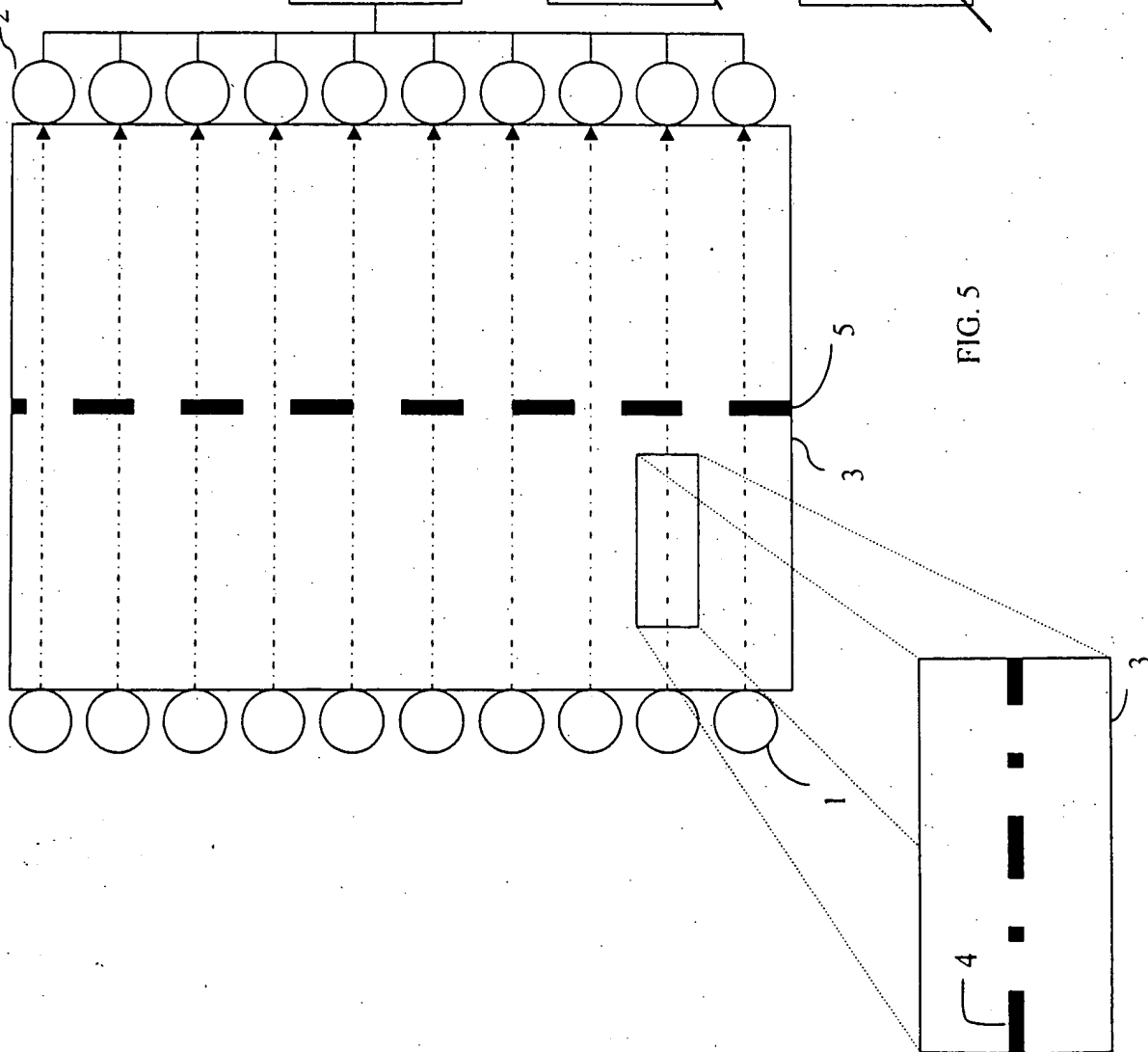


FIG. 5A